

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-9-302a	Time filed:	
Changed to Admin. Code Ref. (R no.):			
1.	Agency: Commerce/Division of Occupational and Professional Licensing		
	Room no.:		
	Building: Heber M. Wells Building		
	Street address 1: 160 East 300 South		
	Street address 2:		
	City, state, zip: Salt Lake City UT 84111-2316		
	Mailing address 1: PO Box 146741		
	Mailing address 2:		
	City, state, zip: Salt Lake City UT 84114-6741		
	Contact person(s):		
	Name:	Phone:	Fax:
	Noel Taxin	801-530-6621	801-530-6511
			ntaxin@utah.gov
(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)			
2.	Title of rule or section (catchline):		
	Qualifications for Licensure-Examination Requirements		
3.	Type of notice:		
	New ____; Amendment XX; Repeal ____; Repeal and Reenact ____		
4.	Purpose of the rule or reason for the change:		
	The Division has been evaluating the need for each profession's law/rule examination and has determined that the law/rule examinations for applicants for licensure as either a funeral service director, funeral service apprentice or preneed funeral arrangement sales agent can be deleted with no negative impact on the profession.		
5.	This change is a response to comments from the Administrative Rules Review Committee.		
	Yes ____; No XX		
6.	Summary of the rule change:		
	In Section 302a, deleted reference to the Utah law and rules and ethics examination for funeral service.		
7.	Aggregate anticipated cost or savings to:		
	A) State budget:		
	The Division will incur minimal costs of approximately \$75 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.		
	B) Local government:		

	<p>Proposed amendments do not apply to local governments; therefore, no costs or savings are anticipated. Proposed amendments only apply to applicants for licensure as either a funeral service director, funeral service apprentice or preneed funeral arrangement sales agent.</p>																				
	<p>C) Other persons:</p>																				
	<p>Proposed amendments only apply to applicants for licensure as either a funeral service director, funeral service apprentice or preneed funeral arrangement sales agent. Those applicants for licensure will see a savings of \$65 (funeral service director/funeral apprentice)/\$60 (preneed funeral arrangement sales agent) in that they will no longer be required to take the Utah law and rules and ethics examination. The Division estimates approximately 24 new funeral service directors/funeral apprentices are licensed on a yearly basis, thus resulting in an aggregate savings of \$1,560. The Division estimates approximately 27 new preneed funeral arrangement sales agents are licensed on a yearly basis, thus resulting in an aggregate savings of \$1,620. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above.</p>																				
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p> <p>Proposed amendments only apply to applicants for licensure as either a funeral service director, funeral apprentice or preneed funeral arrangement sales agent. Those applicants for licensure will see a savings of \$65 (funeral service director/funeral apprentice)/\$60 (preneed funeral arrangement sales agent) in that they will no longer be required to take the Utah law and rules and ethics examination. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above.</p>																				
9.	<p>Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>The regulated industry will experience a cost-savings as a result of the elimination of the Utah Law and Rule examination. No further fiscal impact to businesses is anticipated. Francine A. Giani, Executive Director</p>																				
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</p> <p>Section 58-9-504 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)</p>																				
11.	<p>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p>																				
12.	<p>The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i>. See Section 63-46a-5 and Rule R15-1 for more information.)</p> <table border="1"> <tr> <td colspan="2">A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</td> <td>03/05/2007</td> </tr> <tr> <td colspan="3">B) A public hearing (optional) will be held:</td> </tr> <tr> <td>on (mm/dd/yyyy):</td> <td>at (time):</td> <td>At (place):</td> </tr> <tr> <td>02/15/2007</td> <td>9:00 am</td> <td>160 East 300 South - Conference Room 475 (4th floor) - Salt Lake City, Utah</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>			A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		03/05/2007	B) A public hearing (optional) will be held:			on (mm/dd/yyyy):	at (time):	At (place):	02/15/2007	9:00 am	160 East 300 South - Conference Room 475 (4th floor) - Salt Lake City, Utah						
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13.	<p>This rule change may become effective on (mm/dd/yyyy): 03/13/2007</p> <p>NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.</p>																				

14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):		
	funeral industries		licensing
15.	Attach an RTF document containing the text of this rule change (filename):		R156-9.pro
To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:		F. David Stanley, Director	Date (mm/dd/yyyy): 01/04/2007

ProposedRule.doc 9/26/2003

R156. Commerce, Occupational and Professional Licensing.

R156-9. Funeral Service Licensing Act Rules.

R156-9-302a. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(7) and 58-1-301(3), the qualifications for licensure in Subsections 58-9-302(1)(g), 58-9-302(2)(e), 58-9-302(5)(e) and 58-9-306(2)(d) and (e) are defined, clarified, or established as follows:

(1) An applicant for licensure as a funeral service director shall be required to pass the funeral service examination of the Conference of Funeral Service Examining Board. The examination may be taken while the individual is enrolled in an approved funeral service school. [

~~_____ (2) All applicants for licensure as a funeral service director, funeral service apprentice and preneed funeral arrangement sales agent shall be required to pass the Utah law and rules and ethics examination.]~~

KEY: funeral industries, licensing

Date of Enactment or Last Substantive Amendment: [September 4, 2003] 2007

Notice of Continuation: October 31, 2006

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-9-504